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 ORACLE AMERICA, INC.

Plaintiffs' counsel on signature page

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

MICHAEL KATZ-LACABE, et al.,

 Plaintiffs,

 v.

 ORACLE AMERICA, INC., a corporation
 organized under the laws of the State of Delaware,

 Defendant.

Case No. 3:22-cv-04792-RS

**STIPULATION AND
 ORDER TO EXTEND
 DEFENDANT ORACLE
 AMERICA, INC.'S TIME TO
 RESPOND TO PLAINTIFF'S
 COMPLAINT AND
 ANTICIPATED MOTION TO
 DISMISS PLAINTIFF'S FIRST
 AMENDED COMPLAINT AS
 MODIFIED BY THE COURT**

Judge: Hon. Richard Seeborg

Date Action Filed: August 19, 2022
 Trial Date: Not set

1 Pursuant to Civil Local Rule 6-2(a), Plaintiffs Michael Katz-Lacabe, Dr. Jennifer
2 Golbeck, and Dr. Johnny Ryan and Defendant Oracle America, Inc., by and through their
3 attorneys of record, stipulate as follows:

4 WHEREAS, Plaintiffs Michael Katz-Lacabe, Dr. Jennifer Golbeck, and Dr. Johnny Ryan
5 filed a Complaint against Oracle on August 19, 2022 (ECF No. 1);

6 WHEREAS, this Court granted in part and denied in part Defendant Oracle's Motion to
7 Dismiss on April 6, 2023 (ECF No. 49), ordering Plaintiffs' UCL, ECPA, unjust enrichment, and
8 intrusion upon seclusion (on behalf of the Worldwide and United States sub-classes) claims
9 dismissed without prejudice and with leave to amend;

10 WHEREAS, pursuant to the order of the Court (ECF No. 49), Plaintiffs' deadline to file
11 an amended Complaint is May 8, 2023 (*id.*);

12 WHEREAS, pursuant to Rule 12(a)(1)(A)(i), Oracle's deadline to respond to the amended
13 Complaint is May 29, 2023;

14 WHEREAS, counsel for the parties met and conferred by email and/or videoconference
15 on April 11, 13, 14, and 17, 2023 regarding an extension for Oracle to respond to Plaintiffs'
16 remaining claims and, if Plaintiffs file an amended Complaint, a briefing schedule for Oracle's
17 anticipated motion to dismiss, taking into account the complexities of the issues;

18 WHEREAS, the parties previously stipulated to modify the briefing schedule for Oracle's
19 initial Motion to Dismiss (ECF No. 23) in light of the intervening holidays (*see* ECF No. 22,
20 Order granting stipulation to extend briefing schedule);

21 WHEREAS, the parties' stipulation herein and the proposed briefing schedule regarding
22 Oracle's anticipated motion to dismiss will not alter the date of any event or any deadline already
23 fixed by Court order;

24 NOW, THEREFORE, the parties hereby stipulate and agree, subject to the approval of the
25 Court, that:

26 1. Oracle shall file its motion to dismiss Plaintiffs' amended Complaint or, if
27 Plaintiffs do not file an amended Complaint, respond to the Complaint on or before June 14,
28 2023;

2. Plaintiffs shall file their opposition to Oracle's motion to dismiss on or before July 21, 2023;

3. Oracle shall file its reply in support of its motion to dismiss on or before August 15, 2023;

4. Oracle shall notice its motion to dismiss for hearing on August 31, 2023 at 1:30 p.m., or on a date or time otherwise directed by the Court.

Dated: April 19, 2023

LIEFF CABRASER HEIMANN &
BERNSTEIN, LLP

By: /s/ David T. Rudolph

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***Attorneys for Plaintiffs
Michael Katz-Lacabe, Dr. Jennifer
Golbeck, and Dr. Johnny Ryan***

Dated: April 19, 2023

MORRISON & FOERSTER LLP

By: /s/ Purvi G. Patel

Purvi G. Patel

***Attorneys for Defendant
Oracle America, Inc.***

ECF ATTESTATION

I, Purvi G. Patel, am the ECF User whose ID and password are being used to file this **STIPULATION AND [PROPOSED] ORDER TO EXTEND DEFENDANT ORACLE AMERICA, INC.'S TIME TO RESPOND TO PLAINTIFF'S COMPLAINT AND ANTICIPATED MOTION TO DISMISS PLAINTIFF'S FIRST AMENDED COMPLAINT.** In accordance with Civil L.R. 5-1(i)(3), concurrence in and authorization of the filing of this document has been obtained from David T. Rudolph, counsel for Plaintiffs, and I shall maintain records to support this concurrence for subsequent production for the Court if so ordered or for inspection upon request by a party.

Dated: April 19, 2023

MORRISON & FOERSTER LLP

By: /s/ Purvi G. Patel

Purvi G. Patel

***Attorneys for Defendant
Oracle America, Inc.***


ORDER

Pursuant to the parties' stipulation, the Court hereby orders as follows:

1. Oracle shall file its motion to dismiss Plaintiffs' first amended Complaint or, if Plaintiffs do not file an amended Complaint, respond to the Complaint on or before June 14, 2023;
2. Plaintiffs shall file their opposition to Oracle's motion to dismiss on or before July 21, 2023;
3. Oracle shall file its reply in support of its motion to dismiss on or before August 15, 2023;
4. Oracle shall notice its motion to dismiss for hearing on September 21, 2023 at 1:30 p.m.

IT IS SO ORDERED.

Dated: 4/20/2023



Honorable Richard Seeborg
United States District Court Judge